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**114.30 CMR 50.00
Home Health Services**

Minimum Compensation Reviews

Regulation 114.3 CMR 50.05 mandates a minimum level of compensation that must be paid to private duty nurses employed by an agency. Compliance with this mandate is determined through a review of each agency's salaries and fringe benefits as documented in an annual submission to the Division of Health Care Finance and Policy.

The Division will exclude the hours attributable to paid time off, including but not limited to sick, vacation and holiday pay, from the total hours worked in the review of compensation paid to agency private duty nurses to determine compliance with the provisions of 114.3 CMR 50.05 for the years 2004 through 2006. The wages paid will be included in the compensation dollars. The classification of any type of paid time off claimed by the agency is subject to the Division's review.

Beginning with the review for 2007, the hours and dollars for paid time off will be included in the calculation.